

REMARKS

Upon entry of the Amendment, claims 2-9 are all the claims pending in the application. Claim 1 has been canceled. Claims 2, 3, 7, and 8 have been amended. Support for the amendment can be found in the specification such as on page 4. Therefore, there is no new matter.

Claims 1-4, 6 and 7 have been rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by the article titled "Nanocorundum - Advanced Synthesis and Processing" by Krell *et al.* ("Krell").

Additionally, Claims 1-4 and 6-9 have been rejected under 35 U.S.C. § 103 as allegedly being anticipated by or, in the alternative, under 35 U.S.C. § 103 as allegedly being obvious over Krell.

Claim 2 presently recites calcining a mixture. The mixture is provided by a method in which the aluminum salt is added to a solvent to obtain a solution or slurry, the seed crystal is added to said solution or slurry, and the solvent is removed.

In contrast, Krell discloses partially hydrolyzing a solution at 75° C by dropwise addition of a concentrated ammonia solution until a molar ratio of $[\text{NH}_4\text{OH}]/[\text{Al}^{3+}] = 2.5$. *See* pages 1142-1143. Krell thereafter discloses calcining a seeded precursor. *See*, page 1143, lines 1-6.

Applicants respectfully submit that Krell fails to describe or suggest the mixture recited in claim 2. As described above, Krell discloses partially hydrolyzing its solution before calcining the seeded precursor. In this regard, Krell fail to describe or suggest a mixture

provided by a method in which the aluminum salt is added to a solvent to obtain a solution or slurry, the seed crystal is added to said solution or slurry, and the solvent is removed.

Krell also fails to provide the motivation to replace the seeded precursor thereof with the claimed mixture. Krell fails to suggest eliminating the hydrolysis of aluminum nitrate. Krell fails to provide the motivation to shorten the synthesis thereof. Moreover, Krell teaches that “[a]n essential feature of the synthesis is the associated impact of the right choice of the precursor in combination with seeding.” *See*, page 1142, lines 20-21. In this regard, a person of ordinary skill in the art would not have been motivated to eliminate the hydrolysis thereof to replace the seeded precursor thereof with the mixture recited in claim 2.

Claims 3-9 depend directly or indirectly from claim 2. In this regard, Krell fails to anticipate or render obvious claims 3-9 for at least the same reasons as claim 2.

Further, referring to page 7 of the Office Action, the Examiner asserts that while the terminal disclaimer is approved, Applicants are still required to show common ownership of the conflicting inventions in connection with the non-statutory type double patenting rejection. Applicants respectfully submit that the terminal disclaimer avoids the non-statutory type double patenting rejection. *See* MPEP § 804.02(II).

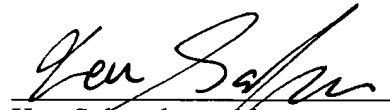
In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
Appln. No.: 10/784,826

Docket No: Q79934

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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